CCRB INVESTIGATIVE RECOMMENDATION

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Investigator:		Team:	CCRB Case #:	✓ Force	☑ Discourt.	☐ U.S.
Matthew Corwin		Squad #10	202004136	☑ Abuse	O.L.	✓ Injury
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL	EO SOL
Tuesday, 06/02/2020 9:50 PM		East 14th Street and Fit	fth Avenue	13	12/2/2021	5/4/2022
Date/Time CV Reported		CV Reported At:	How CV Reported	l: Date/Time	e Received at CCI	RB
Tue, 06/09/2020 10:14 PM		CCRB	On-line website	Tue, 06/09	9/2020 10:14 PM	
Complainant/Victim	Type	Home Addre	ss			
Subject Officer(s)	Shield	TaxID	Command			
1. Officers						
2. POM Nikoy Wallace	25344	963319	013 PCT			
3. An officer						
Witness Officer(s)	Shield N	o Tax No	Cmd Name			
1. POF Katlyn Kang	16212	960742	028 PCT			
2. SGT Omar Velez	4575	921836	013 PCT			
3. LT Salvator Anselmo	00000	905392	007 PCT			
4. POM Vincent Cuomo	03784	956560	DB SVD			
5. POF Erica Rivera	25743	951148	007 PCT			
6. POM James Arenella	12781	960172	007 PCT			
7. POM Kevin Shaw	00795	963751	013 PCT			
8. POM Vince Wu	27185	946401	007 DET			
9. POM Cesar Mejia	03952	963648	007 PCT			
10. POM Matthew Biondo	02915	950083	TB VTF			
11. DI Steven Hellman	00000	906437	PBMS			
12. POM Matthew Ansbro	13974	954490	TB VTF			
13. POF Kristin Goldberg	21948	959662	TB VTF			
14. POF Melissa Lento	04081	942055	TB VTF			
15. LT Thomas Nostramo	00000	933102	TB VTF			
Officer(s)	Allegatio	on		Inv	estigator Recon	nmendation
A. An officer	Discourte	esy: An officer spoke dis	scourteously to § 87(2)(b)		
B. An officer	Force: A	n officer struck § 87(2)(b)	$^{\S 87(2)}_{\text{(b)}}$ with a bat	on.		
C. An officer	Force: A1 § 87(2)	n officer used physical f	orce against § 87(2)(b)			_ _

Officer(s)	Allegation	Investigator Recommendation
D. An officer	Abuse: An officer interfered with \$87(2)(b) s use of a recording device.	
E.POM Nikoy Wallace	Force: Police Officer Nikoy Wallace used physical force against \$87(2)(b) \$87(2)	
F. Officers	Abuse: Officers stopped § 87(2)(b)	
G. Officers	Abuse: Officers stopped (8 87(2)) \$ 87(2)(b)	
H. Officers	Abuse: Officers stopped individuals.	
I. An officer	Force: An officer used physical force against \$\frac{8 \text{87(2)(b)}}{8 \text{87(2)}}	
J. An officer	Force: An officer used physical force against \$87(2)(b)	
K. An officer	Discourtesy: An officer spoke discourteously to \$\frac{8.87(2)(b)}{8.87(2)(b)}	

Case Summary

On June 9, 2020, \$87(2)(b) filed this case with the CCRB via the website.



The investigation obtained cell phone footage taken by during this incident (**Board Review 01**, summarized in **Board Review 02**). Also provided pictures of the bruising he sustained from this incident (**Board Reviews 03-09**). The investigation also obtained BWC covering the incident location (**Board Reviews 10-29**, summarized in **Board Reviews 30-49**). Three of these videos (From Police Officer Vincent Cuomo and Police Officer James Arenella, both of the 7th Precinct) captured **Allegations I** and **J** (**Board Reviews 10** and **11**). The investigation also obtained seven videos from handheld TARU operators (**Board Reviews 50-56**, summarized in **Board Reviews 57-63**). These did not capture the specific allegations pertaining to this case. There was no relevant TARU pole or LMSI footage. The investigation also obtained surveillance video from the New School (**Board Review 64**, summarized in **Board Review 65**). This video did not capture specific allegations pertaining to this case.

Findings and Recommendations

Pleading Language for all allegations to be closed as officer unidentified

Allegation A: Discourtesy: An officer spoke discourteously to \$87(2)(b)

Allegation B: Force: An officer struck \$87(2)(b) \$87(

Known facts and general descriptions

In his statement (**Board Review 66**), statement (**Board Review 67**) described this was Sergeant Omar Velez of the 13th Precinct, who has since left the NYPD). When statement (**Board Review 67**) got approximately three feet from statement (**Board Review 67**) and struck him in the head and arm with a baton. Statement (**Board Review 67**) fell and then this same officer used his knee or foot to hold statement (**Board Review 67**) described this officer as an approximately 6'3" tall, white male with a medium, wearing a white shirt. Statement (**Board Review 68**) and statement (**Board Review 69**) were too far from this officer to get a good enough look at him to provide a description. Statement (**Board Review 69**) were too far from this officer to get a good enough look at him to provide a description. Statement (**Board Review 69**) were too far from this officer to get a good enough look at him to provide a description. Statement (**Board Review 69**) were too far from this officer to get a good enough look at him to provide a description. Statement (**Board Review 69**) were too far from this officer to get a good enough look at him to provide a description. Statement (**Board Review 69**) were too far from this officer to get a good enough look at him to provide a description. Statement (**Board Review 69**) were too far from this officer to get a good enough look at him to provide a description. Statement (**Board Review 69**) were too far from this officer to get a good enough look at him to provide a description. Statement (**Board Review 69**) were too far from this officer to get a good enough look at him to provide a description. Statement (**Board Review 69**) were too far from this officer to get a good enough look at him to provide a description. Statement (**Board Review 69**) were too far from this officer

The cell phone video provided by (Board Review 01) shows the alleged subject of Allegations A, B, C, and D (according to (S72)) at the 1 second mark. Deputy Inspector Steven Hellman, of the 13th Precinct, is slightly behind this officer's left side. (S72) (Walks forward a few steps and then turns to his right, where his phone makes contact with Sgt. Velez, who is in the process of handcuffing (S72) (S72) (The video then goes out of focus and it appears that (S72) (S72) (S72) (S72) (Walks forward a few steps and then turns to his right, where his phone makes contact with Sgt. Velez, who is in the process of handcuffing (S72) (Walks forward a few steps and then turns to his right, where his phone makes contact with Sgt. Velez, who is in the process of handcuffing (S72) (Walks forward a few steps and then turns to his right, where his phone makes contact with Sgt. Velez, who is in the process of handcuffing (S72) (Walks forward a few steps and then turns to his right, where his phone makes contact with Sgt. Velez, who is in the process of handcuffing (S72) (Walks forward a few steps and then turns to his right, where his phone makes contact with Sgt. Velez, who is in the process of handcuffing (Walks forward a few steps) (Walks forward a few s

also provided the investigation with two screenshots from his video that capture the subject of **Allegations A**, **B**, **C**, and **D** officer in slightly better resolution (**Board Reviews 73** and **74**). In these pictures, the officer can be seen wearing a long-sleeved white shirt and a helmet without a shield number on it. He appears to be a white male with a medium build. No insignia or command collar pins can be seen. Aside from his white shirt and his face, there are no clues as to his identity.

PO Cuomo's BWC (Board Review 10) captures the point at which arrested protesters are being

gathered at the intersection of 14th Street and 5th Avenue. At around the 47 second mark, PO Wallace and an officer in a white shirt are holding sarms as they walk him to this area. Sar(2) is yelling, "I am not resisting." One of the officers says, "Get on the fucking floor." PO Wallace and the white shirted officer seated sar(2) on the ground. In the process of doing this, the white shirted officer appears to push sar(2) into a seated position by his shoulders and sar(2) into a seated position by his shoulders and sar(2) sar(2) into a seated position by his shoulders and sar(2) sar(2) sarm and sits her down on the ground forcefully and says, "Sit down and shut the fuck up." The video is blurry and does not capture many details as to this officer's appearance aside from his long-sleeve white shirt and helmet.

PO Arenella's BWC (**Board Review 11**) shows the same thing, starting at 52 seconds, though he is positioned behind the officers. This video does not show the officer's face or any other clues as to his identity. At 00:50, the unidentified white shirted officer appears to kick [STOP] I SETURD SET

§ 87(2)(b), § 87(2)(g)

BWC and TARU

After receiving negative results from two requests for BWC, the investigation obtained 20 BWC videos in total from officers present in the vicinity of 14th Street and 5th Avenue (**Board Reviews 10-29**, summarized in **Board Reviews 30-49**). None of these videos captured getting hit with a baton and aside from the two BWC videos described above, none of the videos captured any of the alleged FADOs.

Multiple officers interviewed stated that they did not activate their BWC after being instructed not to because TARU cameramen were in charge of filming protests. Other misconduct and risk management letters will be recommended as part of case 202004771.

The investigation also obtained seven videos from handheld TARU operators. There was no relevant TARU pole or LMSI footage (**Board Reviews 50-56**, summarized in **Board Reviews 57-63**). These did not capture the specific allegations pertaining to this case. There was no relevant TARU pole or LMSI footage.

NYPD Documents Reviewed

\$37(2)(b) s and \$37(2)(b) s arrests were documented in the Mass Arrest Processing Report from the MAPC for June 02, 2020 (**Board Review 75**), which listed their arrest time as 10:00 pm and their arresting officer as PO Kang. This document listed over 22 civilians arrested for curfew violations in the vicinity of East 14th Street and 5th Avenue at the approximate time of this incident. None of these individuals received other charges and the document did not assist with identifying potential subjects to the allegations associated with this case. The investigation also received the Criminal Court Summons (C-Summons \$37(2)(b) issued to \$37(2)(c) by Police Officer Katlyn Kang for violating the executive curfew order, Administrative Code section 3-108 (**Board Review 76**). The summons notes the time and place of occurrence as 10:00 PM at 14th Street and Fifth Avenue, and contains the following narrative: "At TPO observed defendant in public violation of mayor's executive order establishing 8:00am-5:00pm curfew." The investigation did not receive a summons for \$37(2)(b)

The investigation received negative results for any TRIs prepared for (Board Review 77) The investigation requested all TRIs prepared for incidents that occurred at the incident location The results showed that a TRI was prepared for an incident at 14th Street and 5th Avenue, but it was unrelated to (STO) arrest and was prepared for (Board Review 78).

The investigation obtained and reviewed the PBMS detailed roster (**Board Review 79**), the 6th and 13th Precinct roll calls (**Board Reviews 80** and **81**), and Event (the event related to the arrests occurring at the incident location) (**Board Review 82**). These documents did not narrow down possible subject officers given the fact that multiple officers that were not a part of the detail responded to the location and there were numerous officers, from multiple commands, present in the vicinity to be able to use documents to determine possible subjects. There were no unusual occurrence reports prepared for this incident by PBMS (**Board Review 106**). The investigation checked the MOS photo terminal for pictures of all officers above the rank of Sergeant from the following commands:006, 007, 028, 878 (TBVTF). None of the officers clearly matched the subject based on the photograph in IAs 42 and 43 and (Board Review 107)

Concurrent Investigations

There was no concurrent investigation with IAB for this case. CCRB cases 202003914, 202004002, and 202004771 cover incidents that occurred in the vicinity of 14th Street and 5th Avenue in Manhattan at around the same time as this incident. There were no documents received in these cases that helped identify potential subjects in this case as the investigations were still active per the date of this report.

Ranking Officers

The investigation identified Deputy Inspector Steven Hellman, the commanding officer of the 13th Precinct at the time of this incident, as the highest-ranking officer identified on scene. The investigation also identified him as a possible witness to some of these allegations as he can be seen in the still photograph from [ST/CIO] s cell phone video (Board Review 74). The investigation interviewed him on February 05, 2021 (Board Review 83). He was unable to identify the officer in the white shirt that allegedly struck [ST/CIO] with a baton, used force against him and [ST/CIO] and spoke discourteously to them. Deputy Inspector Hellman did not recall witnessing any of the allegations pertaining to this case.

The investigation was unable to identify any officers with a higher rank than Deputy Inspector Hellman. He was unsure if he was the highest-ranking officer on scene and described previously being assigned as the incident commander at earlier protests. Deputy Inspector Hellman said that he was given general instructions by unknown higher-ranking officers prior to this incident to arrest anyone violating the curfew. Some of the officers interviewed described receiving instructions from "bosses" or higher-ranking officers, but no chiefs or officers of a higher rank than Deputy Inspector Hellman were identified as being present in the videos reviewed or documents obtained.

Officers interviewed

The investigation interviewed 15 officers identified as being in the vicinity of the incident location.

Sgt. Velez, who was identified as a likely witness to **Allegations A**, **B**, **C**, and **D**, was on terminal leave when the investigation reached out to his command to schedule an interview. He has since

retired.

As mentioned below in **Allegation D**, PO Wallace provided a statement at the CCRB on August 24, 2020 (**Board Review 70**). He stated that he did not recognize the alleged subject officer that struck with his baton when shown the two photographs of him. He also stated that he did not observe any officers strike with a baton. He did not observe any officers with their knee on strike strike with a baton. He did not observe any officers with their knee on strike strike with a baton. He did not observe any officers with their knee on strike strike strike with a baton. He did not observe any officers that strike strike strike strike with a baton. He did not observe any officers take strike str

The investigation interviewed Police Officer Katlyn Kang, of the 28th Precinct (**Board Review 85**). Although she was \$37(2)(b) s and \$37(2)(b) s arresting officer, she did not witness their arrests or any of the alleged FADOs. She was unable to identify the subject officer from video or pictures.

The investigation interviewed PO Arenella on September 30, 2020 (**Board Review 86**) and PO Cuomo on November 17, 2020 (**Board Review 87**). Both were shown their own BWC footage that captures part of the incident, but neither of them remembered witnessing it at the time. They were unable to identify the subject officer from video or pictures.

The investigation interviewed Lieutenant Salvatore Anselmo of the 7th Precinct on September 29, 2020 (**Board Review 88**); Police Officer Erica Rivera (Shield 25743) of the 7th Precinct on September 30, 2020 (**Board Review 89**); Police Officer Kevin Shaw (Shield 795) of the 13th Precinct on November 13, 2020 (**Board Review 90**); Police Officer Vince Wu (Shield 27185) of the 7th Precinct Detective Squad on November 19, 2020 (**Board Review 91**); Police Officer Cesar Mejia (03592) of the 7th Precinct on November 25, 2020 (**Board Review 92**); Police Officer Matthew Biondo (Shield 02915) of the Citywide Vandals Taskforce on January 13, 2021 (**Board Review 93**); Police officer Matthew Ansbro (Shield 13974) of the Citywide Vandals Taskforce on February 04, 2021 (**Board Review 94**); Lieutenant Thomas Nostramo of the Citywide Vandals Taskforce on February 23, 2020 (**Board Review 95**); Police Officer Kristin Goldberg (21948) of the Citywide Vandals Taskforce on February 24, 2021 (**Board Review 96**); Police Officer Melissa Lento (Shield 4081) of the Citywide Vandals Taskforce on March 02, 2021 (**Board Review 97**) None of these officers recalled witnessing [State 10] State 10] Sta

Allegation Recitation and Disposition

The video footage that the investigation obtained of this incident did not capture names, commands, or shield numbers of any of the potential subjects, police documentation was insufficient in identifying subjects, and none of the officers interviewed were able to identify any of the subjects or recalled observing the allegations.

Allegation E: Force: Police Officer Nikoy Wallace used physical force against \$87(2)(b) \$87(2)(b) \$87(2)(c) \$87(2)(c)

after he was taken to the ground by an unidentified officer, PO Wallace put his knee on stated that back and put handcuffs on him. yelled that he was not resisting, and PO Wallace used his knee to put more pressure on stated that he was not resisting, and PO Wallace used his knee to put more pressure on stated that he was not resisting, and PO Wallace used his knee to put more pressure on stated that he was not resisting, and PO Wallace used his knee to put more pressure on stated that

provided a statement to the CCRB on June 18, 2020 (**Board Review 67**), which was generally consistent with \$87(2)(b) s statement regarding this allegation.

provided a statement over the phone on July 07, 2020 (**Board Review 68**) described seeing approximately 20 to 30 feet in front of her, with three officers, she could not clearly see, on top of him. She did not specifically describe seeing an officer with their knee on statement over the phone on July 07, 2020 (**Board Review 68**) described seeing approximately 20 to 30 feet in front of her, with three officers, she could not clearly see, on top of him. She did not specifically describe seeing an officer with their knee on statement over the phone on July 07, 2020 (**Board Review 68**) described seeing approximately 20 to 30 feet in front of her, with three officers, she could not clearly see, on top of him. She did not specifically describe seeing an officer with their knee on statement over the phone on July 07, 2020 (**Board Review 68**) described seeing approximately 20 to 30 feet in front of her, with three officers, she could not clearly see, on top of him. She did not specifically describe seeing an officer with their knee on statement over the phone of him three of the seeing and officer with their knee on statement over the phone of him.

provided a statement over the phone on July 06, 2020 (**Board Review 69**) She stated that she observed on the ground surrounded by three officers. One of them, an approximately 5'9" tall black male officer with a medium build had either his foot or knee on states a back.

PO Wallace provided a statement at the CCRB on August 24, 2020 (**Board Review 70**). He stated that he observed two officers holding sarms as sarms as lay lay on the ground face down.

Solve was pulling his arms away from the officers and yelling something along the lines of, "Why are you detaining me? I know my rights." One of the officers yelled at PO Wallace to, "cuff him." PO Wallace did not recognize either of these officers. One of the officers had a white shirt on and the other was in a standard blue police uniform. Neither officer was putting pressure on save back. He did not see either officer put their knee or foot on save save initially struggled by moving his arms, but PO Wallace was able to put the handcuffs on. PO Wallace only touched save hands and wrists. He did not put his knee or foot on save save back.

None of the BWC footage or other video obtained by the investigation captures this portion of the incident.



Allegation F: Abuse of Authority: Officers stopped \$87(2)(b) Allegation G: Abuse of Authority: Officers stopped \$87(2)(b) Allegation H: Abuse of Authority: Officers stopped individuals.

stated that they were standing on a sidewalk with stated that they were standing on a sidewalk with stated that they were standing on a sidewalk with stated that they are an a male and female protester they did not know while 6-8 officers stood around them and held them there for approximately five minutes. The officers eventually spoke amongst each other and then told the four protesters they could go. street and street and

stated that she and stated that she and were standing on a sidewalk when officers behind

Mayor Bill De Blasio issued Emergency Executive Order No. 118 on June 02, 2020, which ordered a curfew from 8:00 pm on June 02, 2020 until 5:00 am on June 03, 2020. During this time, no persons (aside from police officers, peace officers, firefighters, first responders, EMTs, individuals travelling to and from essential work and performing essential work, people experiencing homelessness and without access to a viable shelter, and individuals seeking medical treatment or medical supplies) were allowed to be in public. Any person that knowingly violated the provisions of this order was guilty of a Class B misdemeanor (**Board Review 71**).

According to NYC Finest Message 37644505, if MOS observe a person violating the curfew, a C-Summons may be issued for Admin Code 3-108, Violating a Mayoral Emergency Order (**Board Review 72**).



Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which **SS7(2)(b)** has been a subject (**Board Review 98**).
- This is the first CCRB complaint to which \$87(2)(6) has been a subject (**Board Review 99**).
- This is the first complaint to which \$87(2) \$87(2)(b) has been a subject (**Board Review 100**)
- This is the first complaint to which \$87(2)(6) has been a subject (Board Review 101)
- PO Nikoy Wallace has been a member of service for four years. He has been a subject in three CCRB complaints and seven allegations, none of which were substantiated. PO Wallace's CCRB history does not reflect any patter pertinent to this investigation.

Mediation, Civil and Criminal Histories

- This case was not eligible for mediation.
- According to the Office of Court Administration (OCA), has no history of convictions in New York City (Board Review 102).
- According to the Office of Court Administration (OCA), straight has no history of convictions in New York City (**Board Review 103**).
- According to the Office of Court Administration (OCA), strain has no history of convictions in New York City (**Board Review 104**).
- According to the Office of Court Administration (OCA), 887(2)(b) has no history of convictions in New York City (**Board Review 105**).
- A Notice of Claim request has been submitted to the NYC Comptroller's Office and the results will be added to the case file upon receipt.

Squad No.: 10	<u>)</u>		
Investigator:	Matthew Corwin Signature	Inv. Matthew Corwin Print Title & Name	5/6/2021 Date
Squad Leader:	Eric RigieSignature	IM Eric Rigie Print Title & Name	5/6/2021 Date
Reviewer:	Signature	Print Title & Name	Date